

STATINTL

Date: 26 DEC 70
Item: No. 1
Ref: No. *Press Item for the DCI*

UPI-47

(MY LAI)

ATLANTA--ATTORNEY CHARLES LONGSTREET WELTNER FEELS HE SCORED "AN ASTOUNDING VICTORY" IN REQUIRING CENTRAL INTELLIGENCE AGENCY (CIA) PERSONNEL TO TESTIFY AT THE COURT MARTIAL OF ONE OF THE MY LAI DEFENDANTS.

"IT IS THE FIRST TIME ANY COURT OF LAW HAS EVER SUCCEEDED IN ISSUING SUBPOENAS FOR CIA AGENTS," WELTNER, A FORMER CONGRESSMAN, TOLD UPI. "FOR OVER 20 YEARS, THIS ACTIVITY OF GOVERNMENT HAS BEEN SO SECRET, NOBODY--NOT EVEN CONGRESS--KNEW WHAT HAS BEEN GOING ON." WELTNER REPRESENTS SGT. ESEQUIEL TORRES, 22, BROWNSVILLE, TEX., SCHEDULED FOR COURT MARTIAL AT FT. MCPHERSON HERE FEB. 15 ON CHARGES OF MACHINEGUNNING THREE VIETNAMESE CIVILIANS TO DEATH AND ASSAULT IN THE HANGING OF A FOURTH.

WHEN ASKED WHETHER HE FELT THE CIA MIGHT SEEK EXECUTIVE IMMUNITY FOR THREE PERSONS CALLED TO TESTIFY, WELTNER SAID IT WOULD BE UP TO PRESIDENT NIXON, AND HE FELT NIXON WOULD BE PLACING HIMSELF IN "AN UNCONSCIONABLE AND UNTENABLE POSITION."

"THE QUESTION IS WHETHER OR NOT TAXPAYERS ARE GOING TO BE SUPPORTING OPERATIONS OVER WHICH THEY HAVE NO CONTROL," HE SAID.

WELTNER CONTENDS THE CIA PLANNED AND ORDERED THE MY LAI OPERATION WHERE BETWEEN 102 AND 310 CIVILIANS WERE ALLEGEDLY MASSACRED MARCH 16, 1968. THE ARMY HAS THUS FAR ORDERED SIX AMERICAN SOLDIERS TO FACE TRIAL IN THE CASE WITH ONE, S. SGT. DAVID MITCHELL, 30, ST. FRANCISVILLE, LA., ALREADY ACQUITTED AND A SECOND, 1ST LT. WILLIAM L. CALLEY JR., CURRENTLY UNDER COURT MARTIAL AT FT. BENNING, GA.

WELTNER HAD CONTENTED FROM THE TIME HE BECAME TORRES' CIVILIAN ATTORNEY THE CIA WAS INVOLVED IN MY LAI THROUGH THE MYSTERIOUS "OPERATION PHOENIX" WHICH THE LAWYER SAID "INVOLVED ASSASSINATION AND KIDNAPINGS" OF ALLEGED VIET CONG IN SOUTH VIETNAMESE VILLAGES.

12-26--JD1137AES

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STATINTL

Date 23 Dec
Item No. 14
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Press Item for the DCI

TORRES- MY LAI

GO TO FT. MCPHERSON, GA. (AP)-A MILITARY JUDGE HAS RULED THAT LAWYERS FOR SGT. ESEQUIEL TORRES, CHARGED IN THE ALLEGED MY LAI MASSACRE, MAY SUBPOENA THREE MEN SAID TO HAVE DONE THE INTELLIGENCE WORK THAT PRECEDED THE SWEEP THROUGH THE HAMLET.

ATTORNEYS FOR TORRES, 22, OF BROWNSVILLE, TEX., IDENTIFIED THE THREE AS AGENTS OF THE CENTRAL INTELLIGENCE AGENCY AND SAID THEY WOULD SHOW THAT THE AGENCY "SET THE WHOLE STAGE FOR MY LAI."

THE MOTION WAS GRANTED TUESDAY BY COL. JAMES A. HAGAN, THE MILITARY JUDGE WHO WILL PRESIDE OVER THE COURT-MARTIAL OF TORRES. HIS RULING CAME AT ANOTHER IN A SERIES OF PRETRIAL HEARINGS FOR THE SOLDIER.

ATTORNEY CHARLES WELTNER TOLD NEWSMEN THAT SUBPOENAS WILL BE SERVED ON JAMES B. MAY, CAPT. CLARENCE J. DAWSKINS AND ROBERT RAMSDELL, WHO THE LAWYER SAID WERE IN

ATTORNEY CHARLES WELTNER TOLD NEWSMEN THAT SUBPOENAS WILL BE SERVED ON JAMES B. MAY, CAPT. CLARENCE J. DAWSKINS AND ROBERT RAMSDELL, WHO THE LAWYER SAID WERE IN CHARGE OF CIA OPERATIONS IN THE MY LAI AREA.

WELTNER SAID HE BELIEVES THE CIA PLANNED TO ELIMINATE VIET CONG SYMPATHIZERS BY CAPTURE OR ASSASSINATION.

TORRES' TRIAL WAS TENTATIVELY SET FOR FEB. 15.

ANOTHER MY LAI DEFENDANT, PVT. GERALD A. SMITH, 22, OF CHICAGO, HE IS CHARGED WITH MURDER AND INDECENT ASSAULT.

THE MILITARY JUDGE IN SMITH'S CASE, COL. RICHARD JONES, RULED AT A PRETRIAL SESSION THAT HIS LAWYERS HAD FAILED TO SHOW SUFFICIENT CAUSE FOR SUCH A HEARING.

CZ1136AES 12/23

Comment Goodwin, Houston and CSDO have copies.

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